

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TAMMY J. KITZMILLER, et al.	§	Civil Action No. 4:04-CV-2688
	§	(M.D. Pa.)
Plaintiffs,	§	
	§	Hon. John E. Jones III
vs.	§	
	§	Motion of Amici Discovery
DOVER AREA SCHOOL	§	Institute and Foundation for
DISTRICT and DOVER AREA	§	Thought and Ethics for Leave
SCHOOL DISTRICT BOARD	§	to File Reply to Plaintiffs'
OF DIRECTORS,	§	Response to Amicus Briefs
	§	
Defendants.	§	

**MOTION OF AMICI DISCOVERY INSTITUTE AND FOUNDATION
FOR THOUGHT AND ETHICS FOR LEAVE TO FILE REPLY TO
PLAINTIFFS' RESPONSE TO AMICUS BRIEFS**

TO THE HONORABLE COURT:

The Discovery Institute and the Foundation for Thought and Ethics ("FTE") file this motion for leave to file a reply brief.

In "Plaintiffs' Response to Amicus Briefs" counsel for plaintiffs level a number of accusations against Amici and their attorneys. Because plaintiffs ask the Court to rest its opinion in part upon factually false claims about Amici, Amici respectfully request leave of court to file the attached reply to these attacks.

Surprisingly, while Amici were never made parties to this action, counsel for plaintiffs have chosen to base much of their case on claims about

The Discovery Institute and Foundation for Thought and Ethics, and therefore Amici believe that they occupy a status somewhat different from the typical amicus. Moreover, because plaintiffs' statements, if not rebutted, could potentially form the basis of a judgment that would directly affect Amici, Amici believe that they deserve an opportunity to correct the record with respect to each of plaintiffs' false claims.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2005, copies of the foregoing motion were served on the following counsel through the electronic case filing system:

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